

MINUTES
SANDY CITY COUNCIL MEETING
Sandy City Hall - Council Chamber Room #211
10000 Centennial Parkway
Sandy, Utah 84070

MARCH 11, 2008

Meeting was commenced at 7:08 p.m.

PRESENT:

Council Members: Chairman Chris McCandless, Vice Chairman Scott Cowdell, Steve Fairbanks, Linda Martinez Saville, Stephen Smith

Mayor: Tom Dolan

Others in Attendance: CAO Byron Jorgenson; City Attorney Walter Miller; Community Development Director Mike Coulam; Assistant CAO Scott Bond; Public Works Director Rick Smith; Economic Development Director Randy Sant; Police Chief Stephen Chapman; Police Captain Ed Moyer; Fire Chief Don Chase; Council Office Director Phil Glenn; Council Executive Secretary Wendy Densley

ABSENT/EXCUSED:

1. OPENING REMARKS/PRAYER/PLEDGE:

The Prayer was offered by Boy Scout Blake Lloyd of Troop # 374, and the Pledge was led by Ryan Whitaker, also of Troop # 374.

2. SPECIAL PRESENTATION:

a. Accreditation Award Utah Chiefs to Sandy Police Department

Chief Chapman explained that this is an accreditation from the State of Utah and the Utah Chiefs Association. He introduced Captain Ed Moyer, who is an accreditation specialist for the state of Utah. He explained that through the last 4 years Captain Moyer has served on a committee with other agencies to help put the accreditation program together. This program consists of over 167 standards that must be met as a Police Department to become accredited. He reported that Sandy City is the first police department in Utah to obtain this accreditation.

Chief Chapman introduced Terry Keith, President of the Utah Chiefs Association and Frank Budd, Executive Director of the Utah Chiefs Association. Mr. Keith and Mr. Budd presented to Captain Ed Moyer and Chief Stephen Chapman the Utah Chiefs Association's Accreditation Award.

b. Sandy Pride Day

Mike Coulam, Sandy Pride Chairman for 2008, introduced Jim Lund, and Connie Carter of the Sandy Exchange Club. He gave a report on the serving members of the committee, bag sponsors, the Sandy Pride Objectives and Goals for 2008, and a list of projects for this year's Sandy Pride Day, Saturday, May 17, 2008.

Chairman Chris McCandless read the resolutions declaring May 17, 2008, Sandy Pride Day.

Motion: Steve Fairbanks made a motion to adopt the resolution recognizing Sandy Pride Day as May 17, 2008.

Second: Steve Smith

Vote: Fairbanks – Yes; Smith – Yes; Cowdell – Yes; Anderson – absent; Saville – Yes; Tenney – absent; McCandless – Yes.

Motion Approved: 5 members in favor, 2 members absent.

Linda Martinez-Saville invited the scouts to help out with these Sandy Pride projects.

3. **CITIZEN(S) COMMENTS:**

- a. **Gary Ricci**, 9461 Tramway Drive, reported that on February 28th, a police report was taken due to a disturbance at the Albertsons on 2000th East. Mr. Ricci explained that Albertsons was sited, along with himself. He reported that he has had trouble with this Albertsons for some 8 years now. He reported that this last August a meeting was held by Mr. Ricci trying to resolve these issues. He feels that these issues have been ignored by the city. He complained about what he perceived to be inadequate enforcement. Albertsons received a citation for a noise disturbance, when he felt that it should have been for harassment, disorderly conduct, and giving false information to a government agency. Mr. Ricci was cited for disorderly conduct, and asked why Albertsons doesn't need to answer for these things.

Steve Fairbanks explained that Mr. Ricci is asking the Council to deal with situations that they have no knowledge of and that they have just his side of the story. He reported that the Council does not have the type of information he is looking for to answer his question.

Mr. Ricci explained that he has respect for the City Council, and complained that he lost a lot of property value when Albertsons was built. He explained that the Police Department has a copy of the police report, and would like a call from a council member this week regarding this issue.

Chris McCandless explained that he doesn't feel that a phone call from a Councilman regarding this issue would be appropriate, due to the fact that this is an administrative issue, and because the Council is a legislative body and has no administrative powers. He explained to Mr. Ricci that the Council has no authority to make administrative decisions. He asked Mr. Ricci for a copy of the police report, but explained that this is as far as the Council could go with this issue.

Linda Saville asked if the entire council could get a copy of the police report.

- b. **Sharon Lloyd**, 8981 South 40 East, explained that she lives across from property located at 9000 South and State Street. During the months of October and December there are constant noise violations. She reported that the assembly of lots used for the pumpkin patch and Christmas trees was operating after 9:00 p.m. until 12:00 or 1:00 a.m. in the morning when she got up to call the police. She explained that when they start selling the trees, there is constant loud music being played. She has spoken with the Sandy Police Department as well as Code Enforcement regarding this issue. She reported that on December 23rd, she had to listen to rap music from 10:00 p.m. to 5:45 a.m. the next morning. She then called the police department, she saw the officer stop across the street to listen to the noise. He then went to the property to speak with the violators.

Chris McCandless suggested Scott Cowdell, Mike Coulam and Chief Chapman take her concerns and see what else can be done.

Mike Coulam explained that this is a temporary use permit, there are standards that need to be complied with, and if these standards are violated the city can take action against them.

Steve Fairbanks asked if the Community Development Department could speak with the owner who runs the Pumpkin Patch and Christmas Tree lot to let him know of the concerns.

Scott Cowdell reported that she is also having problems with the waste that is coming from the construction being done on State, the waste is being dumped on 40 East, there was so much waste she was unable to get out of her drive. He feels that there has to be a better location for this waste to be disposed of.

PUBLIC HEARING(S):

4. **Code Amendment – Home Occupations**

Public hearing to consider the following: a Code Amendment to Section 15-13-14(F)(2)(g), Home Occupations Generating Excessive Traffic, Title 15, Land Development Code, Revised Ordinance of Sandy City. The proposed code amendment is to correct a conflict within the code regarding the number of customers or visitors allowed per day for a Home Occupation.

Discussion:

Mike Coulam gave a reported on the code amendment dealing with Home Occupations.

BACKGROUND

The Sandy City Community Development Department has filed a request to amend Section 15-13-14(F)(2)(g), Home Occupations Generating Excessive Traffic, Title 15, Land Development Code, Revised Ordinances of Sandy City. The purpose of the code amendment is to correct a conflict within the Sandy City Land Development Code regarding the number of visitors or customers allowed per day for a Home Occupation. The proposed change has been attached as **Exhibit "A"**.

PROPOSAL

In January 2004, the City Council adopted Ordinance #04-02, which was a re-write of the entire section of the Land Development Code related to Home Occupations. Home Occupation businesses are licensable as Category I, "Permitted Home Occupation", or Category II, "Conditional Use Home Occupation". Category II "Conditional Use Home Occupation" requires review and approval of the Planning Commission.

Category I Home Occupation businesses must comply with all of the "Standards" and all of the "Qualifications" outlined in the code. Category II Home Occupation businesses must comply with all of the "Standards" outlined in the code. Category II Home Occupations may modify specific "Qualifications" through the Conditional Use process.

The following two sections of the code illustrate the conflict:

E. **Qualifications.**

2. Traffic. Vehicular traffic from business related visitors and customers shall not exceed that which normally and reasonably occurs for a home in the neighborhood, and shall be conducted so that the neighbors will not be significantly impacted by its existence. The Home Occupation shall be limited two (2) business related visitors or customers per hour, to a maximum of eight (8) business related visitors or customers per day. Business related deliveries or pickups shall not exceed two (2) per day. (Emphasis added)

F. **Category II, Conditional Use Permit Required.**

2. The following uses are appropriate as licensable Home Occupations only if they are determined to be compatible with residential neighborhoods after full Conditional Use review by the Planning Commission, compliance with Title 5 Business Licensing, all of the Standards, all the Qualifications that have not been granted an exception through the Conditional use process and additional regulations set forth hereafter.
 - g. Home Occupations Generating Excessive Traffic. Any Home Occupation which will generate in excess of two (2) customers or visitors per hour or six (6) per day. A maximum of twelve (12) business-associated visitors per day may be allowed under a conditional use permit, except as provided for with child day care and other group child activities. (Emphasis added)

The conflict is created by allowing up to a maximum of eight (8) visitors or customers per day in the Qualifications section of the Ordinance, which all Home Occupations are required to comply with. However, further in the code there is a requirement for an applicant to seek a Conditional Use Permit if the business will generate in excess of six(6) per day. It was the intent to allow a maximum of eight (8) visitors or customers per day. Staff is proposing that any Home Occupation that will have in excess of eight (8) per day is required to seek a Conditional Use Permit.

NON-CONFORMING USES

The proposed ordinance amendment will not create any non-conforming uses within Sandy City.

LAND DEVELOPMENT CODE PURPOSE COMPLIANCE

The Sandy City Land Development Code in §15-01-03 lists the nine criteria explaining the intent and purpose of the Ordinance. The purpose and criteria are:

15-01-03 Purpose

This Code shall establish Zone Districts within Sandy City. It shall provide regulations within said districts with respect to the use, location, height of buildings and structures, the use of land, the size of lots, yards and other open spaces, and the density of population. This Code shall provide methods of administration and enforcement and provide penalties for the violation thereof. It shall establish boards and commissions and define their powers and duties. It shall also provide for planned development within Sandy City. Specifically, this Code is established to promote the following purposes:

General

1. To enhance the economic well-being of Sandy City and its inhabitants;
2. To stabilize property values;
3. To facilitate adequate provision for transportation, water, sewage, schools, parks and other public requirements;
4. To facilitate the orderly growth and development of Sandy City;

Implementation of General Plan

5. To coordinate and ensure the execution of the City's General Plan through effective implementation of development review requirements, adequate facility and services review and other goals, policies or programs contained in the General Plan.

Comprehensive, Consistent and Equitable Regulations

6. To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.

Efficiently and Effectively Managed Procedures

7. To promote fair procedures that are efficient and effective in terms of time and expense;
8. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed and elected officials; and
9. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.

The proposed code amendment will create consistency and equitable standards under which a Home Occupation license request will be evaluated. The standards will not conflict with State Law and other ordinance provisions as stated elsewhere in the Development Code.

GENERAL PLAN COMPLIANCE

The General Plan encourages a variety of business types, including home based businesses, where appropriate and at a small neighborhood scale. The proposed ordinance amendment does not conflict with that stated purpose or goal, and furthers continued use of single family homes for the primary purpose of using the home as a residence.

STAFF RECOMMENDATION

The Community Development Department respectfully requests that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendment as shown in exhibit "A", attached, for the following reasons:

- a. The proposed ordinance amendment is consistent with the stated Purpose of the Land Development Code, specifically, equitable and consistent treatment of regulation towards business entities at the

same time protecting neighborhood integrity.

The proposed ordinance amendment is consistent with the Goals and Policies of the General Plan.

Chairman McCandless opened the Public Hearing for public comment. There were no comments; Chairman McCandless closed the public hearing.

Motion: Steve Fairbanks made a motion to bring the paper back for the code amendment to section 15-13-14(F)(2)(g) to 8 visits a day.

Second: Linda Martinez Saville

Vote: Smith – Yes, Anderson- absent, Fairbanks- Yes, Cowdell- Yes, Tenney- absent, Saville- Yes, McCandless- Yes

Motion Approved: 5 members in favor, 2 members absent

COUNCIL ITEMS(S):

5. General Plan Amendment – Parks, Recreation and Trails Element

Ordinance #08-07 – amending the Trials Map in the Parks, Recreation and Trails Element of the General Plan; and providing an effective date.

Motion: Scott Cowdell made a motion to adopt Ordinance #08-07 amending the Trials Map in the Parks, Recreation and Trails Element of the General Plan; and providing an effective date.

Second: Smith

Vote: Anderson - absent, Tenney- absent, Cowdell – Yes, Smith – Yes, Saville- Yes, Fairbanks- Yes, McCandless – Yes

Motion Approved: 5 members in favor, 2 members absent

6. National Community Development Week

Resolution #08-20C – designating March 24-30, 2008 as National Community Development Week and urging the support and attention of Community Leaders and citizens.

Discussion:

Mike Coulam reported that community development block grant committees across the country recognize the investment of federal dollars to local communities, so they are asking cities adopt a week as the National Community Development block grant week.

Motion: Steve Smith made a motion to adopt Resolution #08-20C designating March 24-30, 2008 as National Community Development Week and urging the support and attention of Community Leaders and citizens.

Second: Steve Fairbanks

Vote: Smith – Yes, Anderson- absent, Fairbanks- Yes, Cowdell- Yes, Tenney- absent, Saville- Yes, McCandless- Yes

Motion Approved: 5 members in favor, 2 members absent

7. MAYOR'S REPORT

Mayor Dolan gave an update on several Town meetings being held regarding the new school district. He explained that there will be a meetings on March 12, 2008 at Brighton High School 7:00 p.m., and also on March 13, 2008 at Jordan High School at 7:00 p.m. The Mayor will be the host for the Jordan meeting and will be introducing the transition team.

- **Mayor Dolan** gave an update on the REAL stadium. He reported that a meeting was held with Dave Checketts and they went on a tour of the stadium. He explained that he would like to arrange for the Council to tour the stadium in the near future.

- **Mayor Dolan** reported that there are meetings held once a week regarding the theatre project. He explained that this proposed project contains 3 different buildings, a hotel, and a theatre, along with a community / children's theater, a black box, and a small style amphitheatre. He reported that a mailing will go out to every household in the city giving information about the project.

8. **CAO'S REPORT**

- **Byron Jorgenson** reported that the Granite Tank project on Little Cottonwood Canyon Road, should break ground begin next week.

9. **COUNCIL OFFICE DIRECTOR'S REPORT**

- **Phil Glenn** passed out the calendar of upcoming events. He reported that next Tuesday, in place of a City Council meeting there is a tour scheduled of the Becton Dickinson facility.

- **Phil Glenn** passed out a thank you letter from Ken Kraudy for the Council's recognition.

- **Phil Glenn** explained that ChrisMcCandless would like to schedule in the next several weeks time to visit 3 renovation projects of old Salt Lake Valley schools into new uses.

10. **OTHER COUNCIL BUSINESS**

- **Scott Cowdell** asked Mike Coulam if 2 more pay day loan facilities have been approved in Sandy.

- **Mike Coulam** responded that the questioned locations have had operations there for sometime. He explained that there has been no new Pay day Loans businesses approved.

- **Scott Cowdell** explained that he is upset about opening 115th East. He would like to find a way to bring it back to the council without causing a conflict of interest on his part. He believes that to do so he would need to do it within 10 days of the hearing to protest.

- **Wally Miller** explained that the 10 days is for a conditional use project, this is not a conditional use appeal and Mr. Cowdell can look at different options.

Scott Cowdell thinks that there are some issues that are contrary to the city plan and city codes. He hopes that the City council can get copies of the Minutes so they can see how many were supportive of the motion to not open 115th East.

- **Chief Chase** responded that due to the fire code of Sandy, the road must be opened, or the development cannot be there. He reported that any development over a 100 homes has to have 2 accesses, or if 100 people are going to be living in that area, it needs to have 2 accesses, or any road over 150 feet long needs to have a turnaround area. He believes that this is an administrative issue.

Scott Cowdell reported that when this went to the Planning Commission, a promise was made to stop all construction traffic from going through 115th East. He explained that today as he was driving by 115th East he noticed a large flat bed diesel jack knifed on Pioneer and 115th East stuck, unable to go anywhere. He suggested posting some barricades to prevent traffic from going through.

- **Linda Saville** asked if during the pre meeting in the near future if she could get on the planning calendar to hand out some material she collected in new Orleans when she was there attending a conference in November 2007.

- **Chris McCandless** reported that he driven down 115th East tonight, and also noticed large vehicles traveling down that road and is concerned of the number of large vehicle traveling that road.

- **Chris McCandless** asked if that Council would sign a letter to Snowbird thanking them for the tour and their participation.

At approximately 8:00 p.m., Scott Cowdell made a motion to adjourn Council Meeting, motion seconded by Steve Smith.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Chris McCandless
Council Chairman

Wendy Densley
Council Office Executive Secretary